


rec'd by AS May 10, 1973

~~INVESTIGATION~~

TO : Honorable W. Matthew Byrne, Jr.

DATE: May 10, 1973

FROM:  Henry E. Petersen
Assistant Attorney General

SUBJECT: United States v. Anthony J. Russo, Jr. et al.

The attached are answers provided by the
Federal Bureau of Investigation to the questions
put to the Government by the Court today.

2 years of surveillance

1. How many interceptions of Ellsberg were there in 1969 and 1970?

We do not know the answer to this question because as yet we have not been able to locate the records.

2. How long was surveillance of Halperin's residence?

The surveillance occurred between the Spring of 1969 and June of 1971 as best we can determine. We do not know for what period of time within that span the surveillance was active.

*Heads n
interviews?*

3. What was the nature of the surveillance? (Example, was it court authorized, authorized by the AG, etc.)

Testimonial evidence indicates that surveillances were authorized by the Attorney General in accordance with national security procedures. The records, however, have not been found.

4. Is it still correct that there are no records of the surveillance? (Ellsberg)

As of this date we have been unable to locate the records.

5. Why, when the indexes were run for Halperin during the period specified for his consultancy, was his name not discovered as having been the subject of surveillance?

The period for Halperin's consultancy was from November 1971 to the present. The court directed us to search the FBI records for surveillance during this period. There was no surveillance nor overhearings of Morton Halperin during this time frame.

6. The judge wants full report on the results of the Ruckelshaus investigation into wiretapping on the Ellsberg case.

Our investigation indicates no wiretapping interceptions by the FBI relating to the Pentagon Papers investigation, except those already submitted to the court in camera, and those were not conducted in connection with the Pentagon Papers investigation.

7. What were the procedures at the time of this surveillance operation? (What type of records were kept -- tapes, logs, records, etc.)

Telephonic interceptions were tape recorded and logs were transcribed from the tapes. Summaries of the logs were prepared and tapes were erased. *bugging also?*

8. Why is there no record in the FBI's office or the Department of Justice of these supposed overhearings?

One of the purposes of the present investigation underway is to determine the reason for the disappearance of these FBI and Dept. of Justice records and the disposition thereof. *interview* Key interviews are currently being conducted the results of which are expected to be obtained shortly. Our investigation shows records had been maintained, however, these records are now missing and have been since approximately July-October 1971.

9. The Court wants a check for any electronic surveillance of Halperin back to January 1, 1967. If there are no logs or records, why not?

We are checking our records back to 1967 and we will furnish that information as soon as it is available.

10. If there were logs and records and they're gone, why and where are they?

See answer No. 8.